

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the domestic terrorism squad, Birmingham, Alabama field office of the Federal Bureau of Investigation. In my duties as a Special Agent, I conduct investigations related to domestic terrorism and related criminal violations. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Following the events of January 6, 2021, the FBI identified an unknown subject (AFO #368) participating in the Capitol riot. Image 1, consisting of three photos from an FBI “Be on the Lookout” notice, depicted the subject among the mob wearing a black jacket, tan cargo pants, a black hoodie, a black hat, a green scarf and a GoPro camera, or similar device, on his right shoulder, was publicized in an effort to identify the person. As described in further detail below, AFO #368 was identified as Robert James Bonham (“Bonham”) of Alabaster, Alabama.

(U) FBI Public Affairs BOLO AFO-368 Photo Used in FBI Seeking Information Poster



Photograph #368 - AFO A



Photograph #368 - AFO C



Photograph #368 - AFO D

Image 1: FBI “Be on the Lookout” notice of Bonham from January 6, 2021.



Image 2: Open source posting requesting information about Bonham (identified online as “FBI 368-AFO” and “#StarsNGripes”) following January 6.

The FBI collected video footage and photos showing Bonham's actions on January 6, 2021, at the U.S. Capitol grounds. At approximately 2:32 p.m. – nearly five minutes after rioters initially breached a police line that extended across the Capitol's West Front – police Body Worn Camera ("BWC") footage captured Bonham, holding a flagpole with an affixed American flag, approach a group of officers on the southwest side of the Upper West Plaza. (Image 3, 4, and 5). At this time and location, the video footage shows that officers on the Upper West Plaza were retreating toward the Capitol as they simultaneously attempted to forestall the flood of rioters moving deeper onto Capitol grounds.



Image 3: Image, excerpted from BWC footage, of Bonham, circled in red, appearing near the retreating line of officers on the Upper West Plaza.



Image 4: Image, excerpted from BWC footage, of Bonham, outlined in red, holding a flagpole near officers on the Upper West Plaza.



Image 5: Image, excerpted from BWC footage, of Bonham, outlined in red, directly in front of officers holding a flagpole on the Upper West Plaza.

At approximately 2:33 p.m. officers commanded Bonham and other rioters to “move back!” Bonham did not comply. Instead, Bonham lifted the flagpole and extended it forward toward an officer in an apparent attempt to stab the officer with the flagpole. By extending the flag into the officer, Bonham forcibly assaulted the officer and interfered with the performance of his duties. (Image 6, 7, 8, and 9)



Image 6: Image, excerpted from BWC footage, of Bonham (red square) pointing the flagpole toward an officer (yellow square) on the Upper West Plaza.



Image 7: Image, excerpted from BWC footage, of Bonham (red square) extending the flagpole toward an officer.



Image 8: Another image, excerpted from BWC footage, of Bonham (red square) extending the flagpole (blue circle) toward an officer (yellow square).



Image 9: Image, excerpted from BWC footage, of Bonham (red square) appearing to thrust the flagpole into officers.

In response, the victim officer immediately grabbed the flagpole with his left hand. A confrontation between Bonham and officer ensued as the officer attempted to disarm Bonham of the flagpole. (Image 10, 11, and 12)



Image 10: Image, excerpted from BWC footage, of the victim officer (yellow square), grabbing the flagpole (blue circle) from Bonham (red square).



Image 11: Another image, excerpted from BWC footage, of the victim officer (yellow square), grabbing the flagpole (blue circle) as he attempted to disarm Bonham (red square).



Image 12: Another image, excerpted from BWC footage, of the victim officer, another rioter, and Bonham (red square) fighting over the flagpole (blue circle).

Immediately thereafter, additional officers approached Bonham and attempted to take the flagpole from him. (*Image 13*). Simultaneously, BWC captured other officers shout “let it go!” at Bonham as they commanded him to relinquish control of the makeshift weapon. Bonham responded by yelling, “no!” Several seconds later, Bonham gained control over the flagpole and returned to the mob.



Image 13: Another image, excerpted from BWC footage, of additional officers attempting to disarm Bonham (red circle).

After January 6, 2021, the FBI received a tip that the individual described above was Robert James Bonham of Alabaster, Alabama. The tipster reported that they personally knew Bonham and had spoken with Bonham about his activities at the Capitol on January 6, 2021. The FBI subsequently reviewed social media posts and pictures provided by the tipster of Bonham wearing clothing matching the clothing worn by Bonham on January 6, 2021. The FBI also identified photos of Bonham wearing what appears to be the same “3% Club” hat that Bonham wore at the Capitol on January 6, 2021. (*Image 14 and 15*). The tipster also recognized the scarf Bonham wore at the Capitol on January 6, 2021.

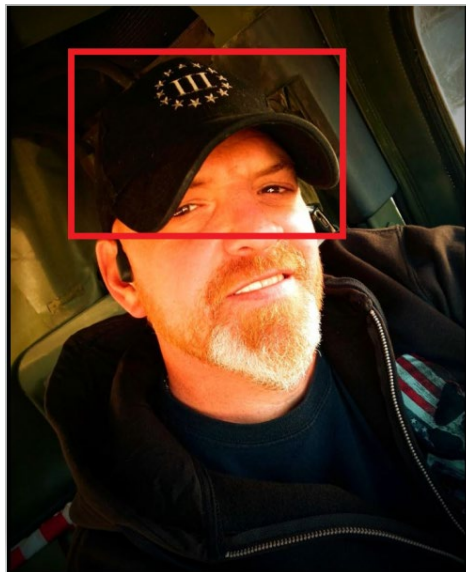


Image 14: Picture from Bonhams’ Facebook profile of Bonham wearing a black “3% Club” hat, the same hat Bonham wore to the Capitol on January 6, 2021.

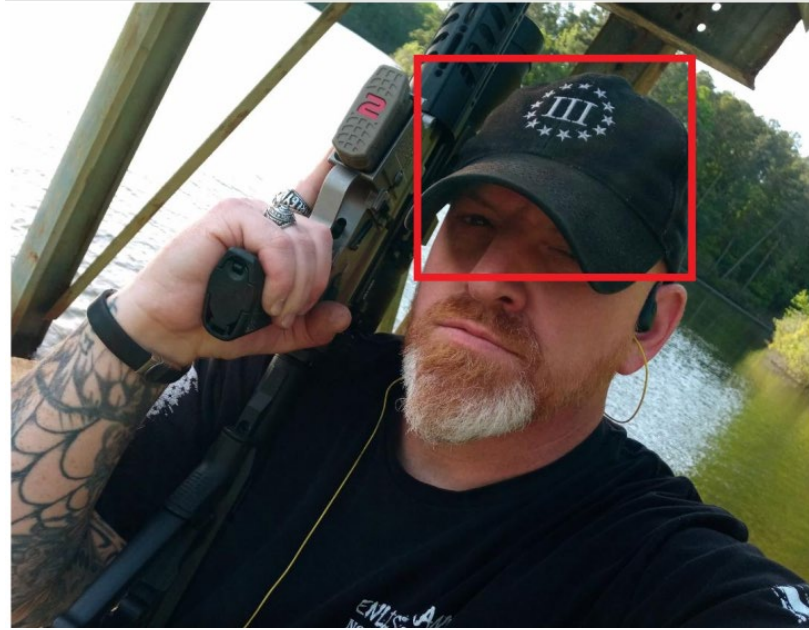


Image 15: Additional photos of Bonham wearing the same “3% Club” hat matching the hat Bonham wore to the Capitol on January 6, 2021.

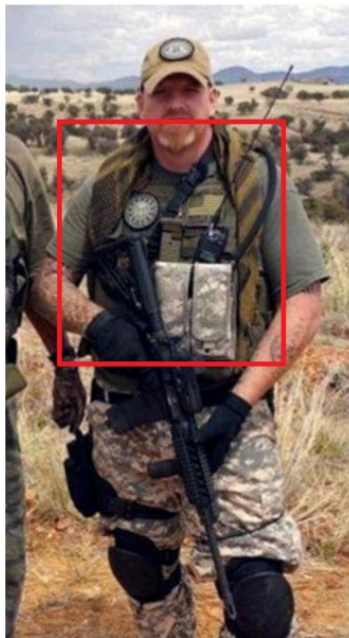


Image 15: Open-source photo of Bonham wearing a scarf like the scarf Bonham wore at the Capitol on January 6, 2021.

Based on the foregoing, your affiant submits there is probable cause to believe that Bonham violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected

function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Secret Service's protection of the Vice President and his family and the Capitol Police's protection of the U.S. Capitol.

I submit there is also probable cause to believe that Bonham violated 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of Title 18 while engaged in or on account of the performance of official duties, where such acts involve physical contact with the victim or the intent to commit another felony. Persons designated within section 1114 of Title 18 include federal officers such as USCP officers, and include any person assisting an officer or employee of the United States in the performance of their official duties.

I further submit there is probable cause to believe that Bonham violated 18 U.S.C. § 1752(a)(1), (2), and (4) which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that Bonham violated 40 U.S.C. § 5104(e)(2)(D) and (F), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

[REDACTED]
[REDACTED]
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 26th day of November 2024.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE